

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

UNITED STATES OF AMERICA)	
)	
v.)	2:12-CR-0067-003
)	
BRANDON DALE SHELTON)	

AMENDED AGREED ORDER OF REVOCATION

A Petition for Warrant for Offender Under Supervision has been filed in this matter and the Defendant, Brandon Dale Shelton, admits that he has violated certain conditions of his supervised release. An agreement has been reached between the parties which recommends that Mr. Shelton's supervised release should be revoked and that he should receive a sentence of five (5) months confinement followed by three (3) years of supervised release subject to the standard and general conditions previously imposed, including drug and/or alcohol testing and treatment in addition to a four (4) month stay in a half-way house.

Mr. Shelton further agrees to waive his right to a hearing pursuant to Rule 32 of the Rules of Criminal Procedure, waive his right to allocate at a revocation hearing, and asks that the agreement of the parties pursuant to Rule 11 of the Federal Rules of Criminal Procedure be found to be a proper sentence. In doing so, Mr. Shelton acknowledges that he is giving up several of his rights which are as follows:

1. The right to the assistance of counsel in his defense at a hearing;
2. The right to see and hear all witnesses and have them cross-examined in his defense;
3. The right on his own part not to testify unless he chose to do so in his own defense;

and

4. The right to the issuance of subpoenas to compel the attendance of witnesses to testify on his behalf.

Mr. Shelton stipulates to the following violations that can be proven by the government by a preponderance of the evidence;

1. General Condition: The defendant shall not commit another federal, state, or local crime.

Mr. Shelton sent various threatening text messages concerning a former girlfriend (please refer to the above-referenced Petition for the specific text messages). By transmitting in interstate commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, it appears Mr. Shelton is in violation of 18 USC §875(c).

2. General Condition: The defendant shall not commit another federal, state, or local crime.

On or about April 11, 2014, Mr. Shelton was issued a citation in Sevier County, Tennessee for Open Container, Underage Consumption and Illegal Possession of Alcohol Under Age 21. Mr. Shelton's Sevier County case has been continued until such time as he is released from Federal custody.


Standard Condition No. 7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.

On or about April 11, 2014, Mr. Shelton was issued a citation in Sevier County, Tennessee for Open Container, Underage Consumption and Illegal Possession of Alcohol Under Age 21. Mr. Shelton's Sevier County case has been continued until such time as he is released from Federal custody.

The Court has considered the Chapter Seven policy statements of the United States Sentencing Guidelines. The violations above constitute violations for which a revocation guideline range of 12 to 18 months would normally apply given Mr. Shelton's Criminal History Category of I. The Court has considered the advisory guideline range and the statutory maximum of five (5) years. The Court has also considered the factors listed in 18 USC §3553(a).

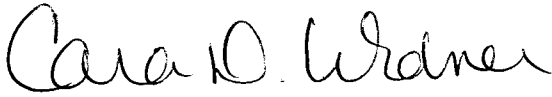
The Court concludes that the recommended sentence is sufficient, but not greater than necessary, to comply with the purposes of sentencing set forth in 18 USC §3553(a) while taking into consideration all of those factors and the Chapter Seven policy statements. Accordingly,

IT IS HEREBY ORDERED that Mr. Shelton's supervised release is revoked. Mr. Shelton is hereby sentenced to five (5) months confinement with credit for time served followed by three (3) years of supervised release subject to the same standard and general conditions previously imposed as well as previously imposed Special Condition No. 1 wherein Mr. Shelton shall participate in a program of testing and/or treatment for drug and/or alcohol abuse, as directed by the probation officer, until such time as he is released from the program by the probation officer. Further, as part of his supervised release, Mr. Shelton shall be required to live in a half-way house for four (4) months following his release from custody.



Hon. R. Leon Jordan
United States District Judge



Greg Bowman
Assistant U.S. Attorney



Cara D. Widner
United States Probation Officer



David L. Leonard
Attorney for Defendant